there is no such defense if the tenant does not abandon the premises after such constructive eviction. *Higbie Co. v. Weeghman Co.*, 126 Ill. App. 97. And to be justified in abandoning, the interference must be persisted in and continued at the time of abandonment. *Ryan v. Jones*, 20 N. Y. Supp. 842.

LIBEL AND SLANDER—HOLDING PUBLIC OFFICIAL UP TO REPROACH.—CHURCH V. NEW YORK TRIBUNE ASS'N., 118 N. Y. SUPP. 626.—It was *held* to be libelous *per se* if a publication fairly imputed that a public officer was guilty of shirking and disregarding his duties, thereby holding him up to reproach and ridicule.

The general rule is, that words are actionable *per se* which impute to an official a wilful neglect of duty. *Scougale v. Sweet*, 124 Mich. 311. It is even stronger evidence of a libel *per se* if this neglect is characterized as being culpable and from improper motives. *Larabee v. Minn. Tribune Co.*, 36 Minn. 141. And whether the publication amounts to a criminal charge or not, as long as it tends to bring another into ridicule or disgrace, it is actionable *per se*. *Washington Times Co. v. Downey*, 26 App. D. C. 258. But to render such words actionable at all, they must be published during his term of office. *McKee v. Wilson*, 87 N. C. 300. *Contra*: *Russell v. Anthony*, 21 Kans. 450. And in determining whether the language is libelous *per se*, it should be construed as a whole and its ordinary meaning given to it. *Daily v. N. Y. Herald Co.*, 151 Fed. 114. No criticism of a person holding a public office is libelous unless it is malicious. Townsend on *Slander and Libel*, Sect. 254. Thus, if the words are published in good faith and in the belief that they are true, public policy exempts one from liability. *Bearce v. Bass*, 88 Me. 521.

MUNICIPAL CORPORATIONS—POLICE POWER—ORDINANCES—VALIDITY.—STATE V. PERRY, 65 S. E. 915 (N. C.).—*Held*, that under its police power to protect the public health, a city may establish and control public markets at which perishable food, such as fresh fish, shall be sold, and may prohibit the vending by retail of such perishable food except at the public markets.

The right to establish markets has been treated as a branch of the sovereign power. *Bowling Green v. Carson*, 10 Bush. 64 (Ky.); *Cougot v. City of New Orleans*, 16 La. Ann. 21. Still, in other jurisdictions, cities are given power under their charters to establish markets. *St. John v. City of New York*, 13 N. Y. Super. Ct. 315. On the other hand, the right of regulating markets is necessarily a municipal police power. *City of New Orleans v. Morris*, 3 Woods C. C. 107 (La.). But an ordinance regulating the same may be declared void for unreasonableness, where it is oppressive, unequal, unjust, or altogether unreasonable. *City of Lamar v. Weidman*, 57 Mo. App. 507. In *Village of Buffalo v. Webster*, 10 Wend. 99 (N. Y.), it was held that a by-law, that meat should not be sold except at a designated place, was good, not being a restraint of the right to sell meat, but a regulation of that right. Likewise the city of New Orleans may prohibit the sale of oysters in the city, except at certain designated stands. *Morano v. City of New Orleans*, 2 La. 217. In *Jack-*